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10 COMMISSIONER DAVIS: My name is Bob Davis,
11 Commissioner of Nye County. Please bear with me. I broke a
12 tooth this weekend. Occasionally, I have darting pain in my
13 cheek here.

1...

14 The Nye County review has found that the
15 Draft Impact Statement likely is inadequate as identified 16
several -- and has identified several deficiencies.

17 Therefore, the Draft Impact Statement seems neither of the 18
letter nor the intent of the National Environmental Policy 19
Act, NEPA, or the Nuclear Waste Policy NWPA.

20 Nye County strongly urges the DOE to address
21 the deficiencies and issue of the second draft of
22 supplemental Draft Impact Statement for public review and

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1 comment. NWPAs provides relief from three specific
2 requirements of NEPA. It does not provide a road map for the
3 repository, the provision NEPA intends to be a road map for
2 4 EIS. DOE assumes that the NWPAs provides a road map for the
5 EIS has resulted in essentially a myopic viewpoint of the
6 locally prevalent and important issues associated with
7 implementing the NWPAs.

8 Nye County believes that the Draft Impact
9 Statement should adequately assess most of the NWPAs, not just
10 the repository specific action, construction, operation,
11 transportation, closure. The EIS must also evaluate the NWPAs
12 implementation activities as might be associated with the
13 migration, quality and compensation.

14 By failing to address these aspects of the
15 NWPAs implementation, EIS does not accurately portray the
16 president, secretary and the public in the range of potential
17 impacts of the nature of the -- nature and human environment.
18 Some of the specific inadequacy of the Draft EIS includes
19 alternatives evaluated. The DOE's selection of the
20 alternatives fails to meet the intent of the NEPA, even as
3... 21 qualified by the NWPAs. Alternative scenarios for
22 implementing the NWPAs, including the migration -- the

3 cont. 1 mitigation provisions of Section 116 are not included. No --
2 only no -- the full range of the alternatives to implement
3 repository construction, operation transportation closure
4 should include scenario one, no mitigation measurements. 5
Scenario 2, financial mitigation measurements only and
6 Scenario 3, physical -- No. 4 would be the mix of financial
7 and physical mitigation measures.

4 8 The effect of environments the EIS does not
9 define and select appropriate reasons -- regions of influence
10 for analysis. The ROI focuses on analysis on the direct
11 impacts, not allows the identification of indirect impacts.
12 For example, areas potentially affected by DOE has grossly
13 over estimated the areas potentially affected in the
14 implementation of the no action alternative, while reasonably
15 restricting the areas considering the evaluated areas from
16 the proposed action. In doing so, DOE does not consider the
17 effects on communities, jurisdictions and the ability and
18 nature -- natural resources. Demographic and socioeconomic
19 data, DOE has not used more recent than -- more accurate Nye
20 County data collected in accordance with the accepted
21 methods.

22 MR. LAWSON: 30 seconds.

1 COMMISSIONER DAVIS: In conclusion, because
1 cont. 2 of the inadequacies of the -- that I briefly describe, [Nye
3 County believes that the Draft EIS neither appropriately
4 implemented NEPA nor the NWPA. It does not adequately
5 portray the affected environments in the communities that it
6 will affect.]

5 7 [Finally, regardless of the DOE's finding,
8 the NWPA regards the mitigation measures by -- and as much
9 should have been included in the proposed action of the
10 analysis. Without these elements, Nye County finds that the
11 DOE -- that the Draft EIS is inadequate and does not
12 accurately portray the range of impacts that could not be
13 expected to occur if the repository program goes forward.
14 Thus, Nye County is calling for a second and supplemental EIS
15 agency -- for the agency and public review of the comment,
16 which includes the actions proposed that incorporate
17 mitigation measures as an integral part of the alternative.]

18 MR. LAWSON: Thank you. If you have written
19 comments that you'd like to submit as well, that's fine. Our
20 next speaker will be Maureen Eldredge. Ms. Eldredge will be
21 followed by Dennis Nester and Chad Cowan.